Benchmark 1982

Annual Report Of The South Dakota Unified Judicial System

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South Dakota Unified Judicial System

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Administrator

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The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

In continuing our effort to provide the public and government agencies with information relating to the Unified Judicial System and its programs, I respectfully submit herewith our annual report.

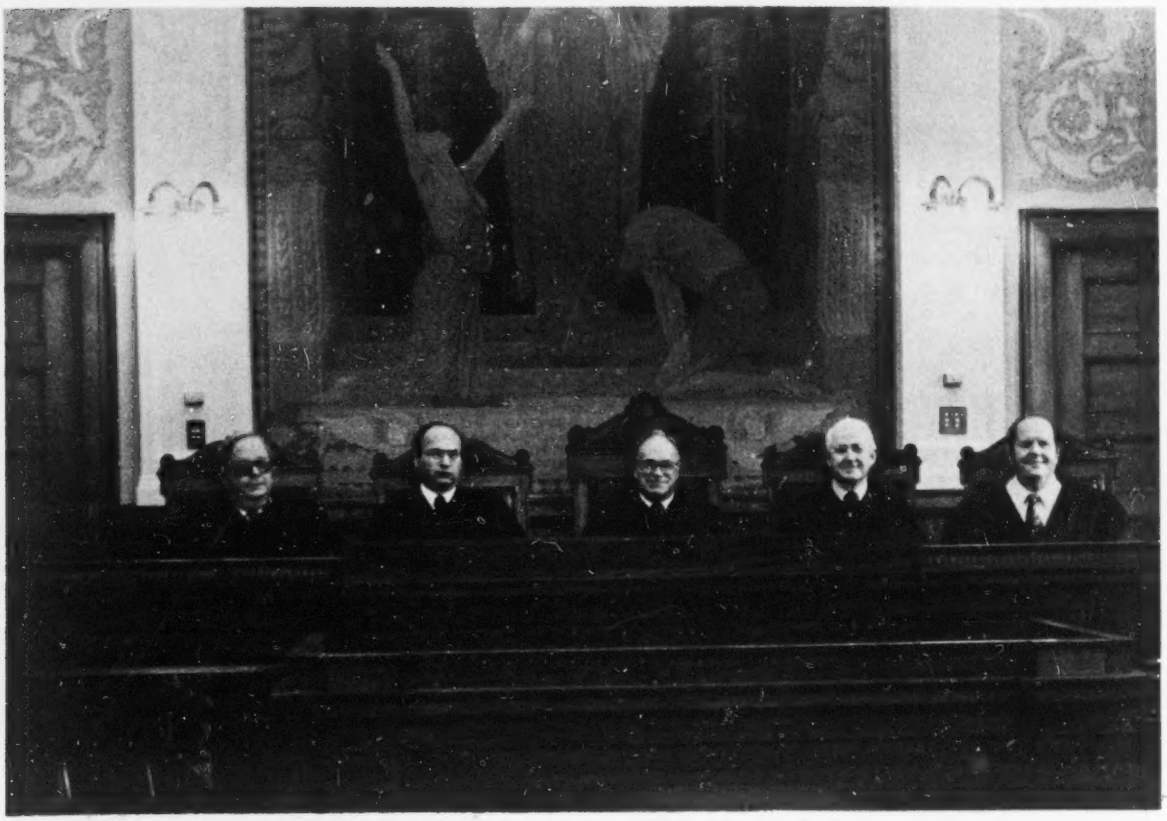
The report covers activities generally for calendar year 1982, with statistical information for fiscal year 1982. In addition to the descriptive analyses of the component offices of the court system and statistical data, some special attention is given to the problem of the increase in DWI prosecutions in the state.

In the compilation of the material contained in the report, our office offers a special thanks to the clerks of court and the court services officers, who provide the data, and our own staff members who are responsible for production.

Respectfully submitted,

Mark G. Geddes
State Court Administrator

Members of the South Dakota Supreme Court, 1982



Hon. Robert E. MORGAN	Hon. Roger L. WOLLMAN	Hon. Jon FOSHEIM	Hon. Francis G. DUNN	Hon. Frank E. HENDERSON
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
Fourth District	Fifth District	Third District	Second District	First District

Chief Justice's Foreword

In August, 1982, the justices of the Supreme Court elected the Honorable Jon Fosheim as their new Chief Justice for the four years beginning September 6, 1982. The following comment was solicited from him shortly thereafter for publication:

:.:.:.:.:.:.:.:.:.:.:.:.:.:

May I state initially that I harbor some uncertainty about the new post to which I have been conscripted. While a possible vote of confidence may be perceived in my colleagues' decision to place me in the center chair of the Supreme Court bench, yet I approach that position with some trepidation. The fact that I have become a more visible target is only one part of my concern. I have, also, some apprehension regarding the additional administrative responsibilities that inhere in the position. In addition, the exceptional talent of my predecessors leaves me what must be called a tough act to follow.

The Honorable Francis Dunn and the Honorable Roger Wollman, our two previous chief justices, delivered superb performances in this position during the early development of the Unified Judicial System. My own capacity to carry forward the policies and plans initiated under their very able leadership may be, therefore, open to question. I only hope that my performance in continuing their programs will approach the level of strong innovative leadership that they were always able to provide.

Our primary administrative effort as a Court will be to continue the development of a judicial and legal system that is fully responsive to the needs of the public, with maximum efficiency at minimum cost. To this end we will continue to work with the bar association, the judicial qualifications commission, judicial circuit personnel, and our own management staff.

We will, for example, maintain efforts to elicit the highest level of professional performance from the attorneys and judges in the system, and to promote efficient operation in all judicial offices in the handling of litigation and in the provision of other court services. Particular attention will be given to the just and responsible dispatch of cases involving the problem drinker who drives, and the proper placement and control of the juvenile offenders entrusted to the care of the judiciary.

As part of the effort to improve service, we will make practical use of the most modern techniques available in our office operations, including the use of automated equipment wherever appropriate. Also, we will continue to promote efficient office procedures and to eliminate unnecessary paperwork, both in the clerk's offices and in our storage-file facilities.

The specific problems of the system--those questions, for example, of possible trial delay, equitable fees for court-appointed attorneys, uniform sentencing procedures, etc.--will also receive attention in future meetings of the justices. The Court's recent performance in the establishment of ethical guidelines for judicial elections, the modification of rules governing appellate procedures, and the adjustment of requirements for legal practice, should serve to demonstrate our willingness to deal with the administrative issues.

Our progress in promoting successful management practices and resolving administrative problems will be achieved while maintaining continuation of the productive, responsive Court policies initiated in recent years. To accomplish this, we will rely on the continued proficiency of our management staff and our judicial circuit personnel. With the support of these, and the other agencies of state government with whom we have worked well in the past, we can reasonably anticipate success in all our joint endeavors.

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Unified Judicial System: 1982

The South Dakota Unified Judicial System, in its present form, has endured for the approximate eight years since 1975. While the actual implementation of the system began in that year, the preliminary development was initiated as early as 1961. At that time, a court study commission was formed that eventually made recommendations for the creation of the present structure. The necessary Constitutional amendment was ratified by the voters in the 1972 election, and appropriate supporting legislation was passed in 1973 and 1974.

The unification process initiated in 1975 brought about the reorganization of a number of decentralized court activities into a single administrative system, which eventually included official monitoring of all probation activities and much of the management of the state's juvenile delinquency programs.

The basic operation of the system has remained essentially the same for the eight years of its existence. Adjustments that have been made to the organization, since its inception, include a change in the number of judicial circuits and circuit judges, some modifications in the number of law-trained magistrates, and the establishment of an appointive process for replacing justices of the Supreme Court.

The unified system has promoted an increase in uniformity and consistency in the processes of the various circuit courts, while allowing the judicial circuits autonomy of operation. For example, the presiding judges, through the State Court Administrator's office, establish and regularly revise a fine and bond schedule for state-wide application, but this is subject to modification by the presiding judge in each of the eight judicial circuits.

Occasionally, uniform practices within the judicial system are imposed by the legislature. Statutory minimum sentences demonstrate this type of enforced uniformity. During the 1982 session, for example, the legislature changed the law to require driver's license suspension of one year as part of the standard sentence for a second offense driving while intoxicated conviction. Within such limits, the court exercises its independent functions in conducting criminal or civil trials.

This autonomy-within-limits also applies to much of the procedural operation of the courts, and even to some of the clerical processes and record-keeping. In each of these, variations between circuits do exist, but within reasonable limits.

The recording and reporting requirements of the judicial information system have promoted some uniformity, and there has been some increase in voluntary coordination of procedures among the circuits. This coordination has particularly been enhanced by the regular meetings of presiding judges and of the clerks' advisory committee, and through the use of procedures manuals, both for lay magistrates and for clerks of court.

Material on the procedures manuals, the presiding judges' meetings, and the clerks' advisory committee, are presented in other parts of this report.

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed (according to Constitutional Amendment passed in 1980) and subject to electoral approval every eight years. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, exercised primarily through Chief Justice.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-six judges, who are elected at-large from within their respective circuits for an eight-year term.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. The magistrate function is performed in most counties by the clerk of court. A training program is provided by the State Court Administrator's Office.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, accept guilty pleas, conduct trials for petty offenses and uncontested civil cases involving damages of $2000 or less.

Law-Trained Magistrate:

Licensed attorney appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000 or less, and small claims actions.

The Court Structure

As illustrated by the chart on the previous page, the Unified Judicial System of South Dakota functions essentially as a structure of two levels, with the circuit court level employing courts of limited jurisdiction to assist in certain types of court action. The circuit courts are the courts of general jurisdiction, with which the magistrate courts have limited concurrent jurisdiction. Circuit court judges may serve in the magistrate courts, and the magistrates may be perceived as assisting the circuit courts in managing the caseload by dealing with those actions deemed less serious. With the exception of small claims actions, decisions of the magistrate courts may be appealed to the circuit court. The Supreme Court is the court of last resort to which decisions of the circuit courts may be appealed.

Supreme Court

The South Dakota Supreme Court is the state's highest appellate court, and functions also as the administrative control for the judicial and legal system. It is comprised of the chief justice and four associate justices, all of whom must be licensed to practice law in the state. There is no formal age requirement, but there is a statutory requirement that the justices retire at age seventy. A retired justice, if he agrees, may be called back into judiciary service in any of the state's courts.

The original jurisdiction of the Supreme Court extends to issues involving interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are in some way directly involved, or when ordinary jurisdictions and remedies are inadequate to give relief.

The term of the Supreme Court extends the full calendar year. The sessions are held in the state capitol or in such cities as the Supreme Court may specify by court order.

The present members of the Court were elected, one from each of five districts in the state, for a term of eight years. The drawing on page four illustrates the boundaries of the five Supreme Court electoral districts as they were modified by the legislature in 1982. The terms are alternated in order to maintain continuity. In districts four and five, justices were elected for eight year terms beginning in 1977; in districts one, two and three, the eight year term began in 1979.

In the future, under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court will be filled by Governor's appointment from a list of two or more attorneys nominated by the Judicial Qualifications Commission. All justices will stand for state-wide retention election, unopposed. For newly appointed justices, the election will be held at the next general election following the third year after appointment; for incumbent justices, at the end of their existing term, and for all, thereafter, every eighth year.

The Supreme Court serves primarily as a court of appellate jurisdiction, having power to hear appeals from case decisions of the circuit courts. They also have a limited power to render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power. The Court, in its role as the state's highest tribunal, in addition to its original and appellate jurisdiction, performs several valuable administrative func-

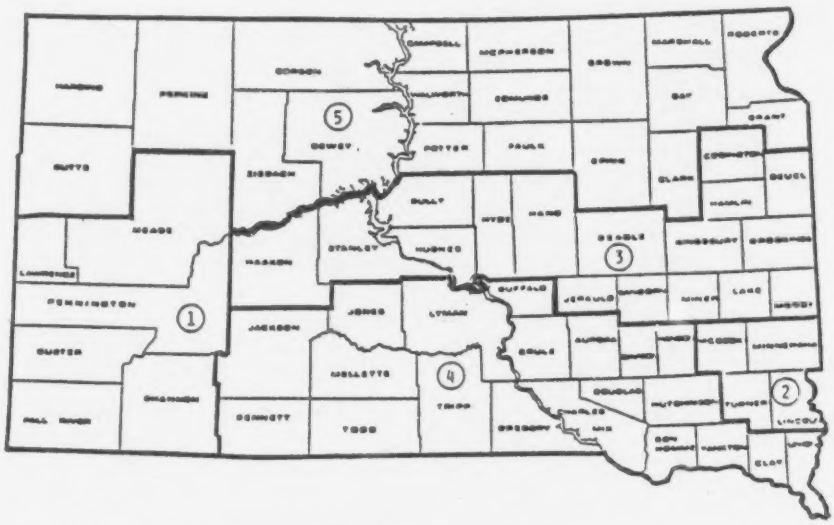
tions for the government and people of the state.

The appellate function, by which the Court hears appeals from decisions of lower courts, constitutes the bulk of the Court's workload. This is one method by which adherence to accepted principles of justice is maintained in the court processes of the state. It is, however, only one of the ways in which the Supreme Court serves the public.

For example, The Court is responsible for supervising the licensing and disbarment of attorneys, and professional ethical conduct of attorneys and judges in the state. This requires that the justices provide appropriate guidelines and hold disciplinary hearings to maintain professionalism in the conduct of the legal and judicial community.

The rule-making power of the Supreme Court also includes control of lower court practice and procedure, terms of court, the number of circuit court judges, boundaries of circuits, and general administrative supervision of the Unified Judicial System. In these administrative functions, the Court monitors the operation of the entire judicial system.

Beyond these functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those



Map 1. Supreme Court Appointment Districts

The five districts established by the 1982 legislature, from which the Supreme Court Justices are appointed, are shown in the above map. Justice Frank Henderson is from the first district; Justice Francis Dunn from the second; Chief Justice Jon Fosheim from the third; Justice Robert Morgan from the fourth; and Justice Roger Wollman from the fifth.

commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations on travel by members of the judicial branch, and other personnel matters.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges and justices. In addition, the Court may appoint, at its pleasure, such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised through the power of the Chief Justice as specified in SDCL 16-2-20, which provides extensive authority to take any necessary action to ensure the efficiency of the judiciary process. He is assisted in this function by the State Court Administrator's Office.

Among the administrative rules issued by the Court during the year were those establishing ethical guidelines for judicial campaigns, modifying personnel procedures, disposing of exhibits in administrative appeals, and changing appellate practices. There were also rules issued modifying requirements for the practice of law in the state. These include changes in the basic qualifications to practice law, particularly for graduates of the state law school, and some changes in disciplinary action procedures for attorneys.

Statistical data for Supreme Court activity is presented below.

	FY 1980	FY 1981	FY 1982
FILINGS	359	326	363
Appeals	273	261	300
Intermediate Appeals	28	27	28
Original Proceedings	20	22	19
Miscellaneous Filings	20	16	16
DISPOSITIONS	346	361	353
Opinions/Cases	173/202	238/269	190/228
Orders of Dismissal/Cases	93/95	50/54	72/78
Orders of Denial	31	34	41
Miscellaneous	18	4	6
PENDING CASES	289	261	260
Submitted and Pending	118	88	89
Ready for Submission	57	66	45
Not Ready for Calendar	114	107	125

Table 1. Comparison of Supreme Court Data

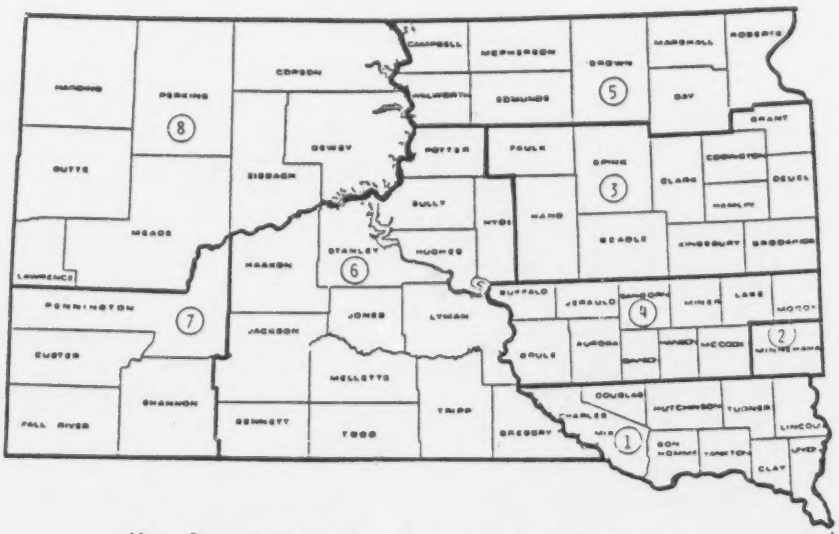
The table above lists the various categories of caseload for the South Dakota Supreme Court. Intermediate appeals are those brought from lower court decisions made prior to final case disposition (e.g., evidence hearings), at the discretion of the Supreme Court. Cases not ready for calendar are those for which the file is not complete or it is not yet ready to be submitted for consideration of the Court.

During the past fiscal year, appellate filings have increased by about 11%, while the number of total cases disposed has declined slightly. The total number of opinions rendered declined by 20%, but in the pending case category, which seems to be the real measure of "backlog," the only relevant change is in the category of cases ready to be submitted, which has decreased by 13%.

Circuit Court

The circuit courts are the trial courts of general jurisdiction, and the circuit court judges have original jurisdiction in all cases and proceedings, except those reserved to the Supreme Court. Appeals from decisions of the magistrate court division are also heard by the circuit court. The circuit court judges are elected at large from within their respective circuits for a term of eight years. 1982 was the election year for judges. Four incumbent judges were challenged for their positions, and a retirement opened one position for election without an incumbent. The remaining 31 judges were unopposed and therefore did not need to involve themselves actively in the election. Three of the challenged incumbents were returned to their positions. The thirty-six judges and the law-trained magistrates from the eight circuits, in office at the end of fiscal year 1982, are listed on page 9. A map showing circuit boundaries is presented below.

In the map below, the eight judicial circuits of the state are designated. The judges and law-trained magistrates for each circuit are listed on page 9.



Map 2. Judicial Circuits and Counties

Direct supervisory control over the circuit court process and personnel is exercised by the presiding judge of the circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The extensive authority of the presiding judge includes the following:

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.
2) Appointing clerks, deputy-clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation.
3) Arranging for the proper drawing of jury panels and for the reporting of cases.
4) Periodically reviewing and evaluating personnel performance in the judicial circuit.
5) Arranging for the availability of circuit judges in each county according to statute.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. The exclusive criminal jurisdiction of the circuit court involves arraignment and trial of all felony cases. The exclusive civil jurisdiction of circuit courts includes cases involving 1) dispute of title or boundary of real property, 2) divorce or annulment of marriage, 3) probate, guardianship, and settlement of estates, 4) juvenile proceedings, and 5) civil disputes in which damages claimed are in excess of $2,000. As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts.

Magistrate Courts

In addition to the circuit courts, South Dakota law provides for courts of limited jurisdiction. This magistrate court division assists the circuit courts in handling misdemeanor criminal cases and minor civil actions. In so doing, the magistrate division makes the judicial system available to more of the public, providing direct court access for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of their legal training, these magistrates are able to provide the public with additional protection from questionable litigation or prosecution. Their expertise in the more complex issues of the law helps to assure the parties before them impartial, knowledgeable decisions. The law-trained magistrates are appointed by the presiding judge to a four-year term upon approval by the Supreme Court. As is apparent from the data on page 9, a substantial number of these positions are part-time.

In addition to the functions of the court with a lay magistrate (who is not trained in the law) presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and small claims disputes.

The lay magistrates may accept guilty pleas and impose fines in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. They may also set bond in criminal cases and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). The lay magistrate's court also has the power to perform marriages, administer oaths and take depositions, issue warrants for arrest or search, and adjudicate uncontested small claims and other civil disputes involving amounts of $2,000 or less.

Presiding Judges' Meeting

Periodically throughout the year, (every two months during 1982) the eight presiding judges meet with the State Court Administrator and the Chief Justice. Through these meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects covering policy, problems, and current issues that relate to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These meetings also provide an opportunity for members of the executive and legislative branches of state government, and local government officials, to meet with the judicial personnel responsible for the implementation of operations at the circuit court level, in order to discuss issues of mutual concern.

The subject matter covered by the presiding judges during the year included sentencing uniformity, jury selection and handling procedures, disposition of exhibits in civil cases, appropriate fees for court actions and for court-appointed counsel, and the uniform fine and bond schedule.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, specified by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system and make recommendations to the Supreme Court for appropriate legislative and policy changes. This year, the conference discussed legislative changes involving sentencing, terms of bail bond, juvenile jurisdiction, and jury management, among other topics.

Judicial Qualifications Commission

This commission, created by Article V, section 9 of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four-year terms of the members are imbricated to promote policy continuity.

The Judicial Qualifications Commission is primarily responsible for providing assistance to the Supreme Court in disciplinary actions against members of the judiciary. It is empowered to receive complaints regarding any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

The Commission also reviews applicants for vacancies on the Supreme Court and circuit court bench and nominates two or more of the most qualified to the Governor, who in turn appoints a person to fill the vacancy.

Fiscal Year 1982

Bench Personnel by Judicial Circuit

FIRST JUDICIAL CIRCUIT, Judges:
*Hertz, Ernest W.
Kern, Paul J.
Ulrich, Robert C. #
Tapken, Jay H.
Christensen, Wayne 9-1-81

Law-Trained Magistrates:
**Cody, Mary Dell
Conklin, Gary 4-1-82
Jacobson, Edward A. #
Marmet, Robert G.

SECOND JUDICIAL CIRCUIT, Judges:
*Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Kean, Gene Paul 12-21-81
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale
Evans, Vernon C.
Martin, Eugene
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Thomas G.

Law-Trained Magistrates:
Aho, Ronald #
Gullickson, Larry 3-1-82

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall
McMurchie, Boyd L.
*Wuest, George W.

Law-Trained Magistrates:
Jones, Rolland
Margadant, James 3-18-82
Unke, Michael #

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo
Ramynke, Mildred D.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
O'Keefe, Robert G.

SIXTH JUDICIAL CIRCUIT, Judges:
Anderson, James 12-7-81
Heck, Donald L.
Jones, John B. #
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrate:
Position Eliminated 3-1-82

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff
Grosshans, Roland
Parker, F. Thomas
Tice, Merton B., Jr.
*Young, Marshall

Law-Trained Magistrates:
**Carrell, Charles G.
Klauck, Jack

EIGHTH JUDICIAL CIRCUIT, Judges:
Brandenburg, Roy E.
*Moses, Scott C.
Tschetter, Robert 9-30-81

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Mueller, Walter

* Indicates presiding judge
** Indicates full-time magistrate
# Indicates resignation during year

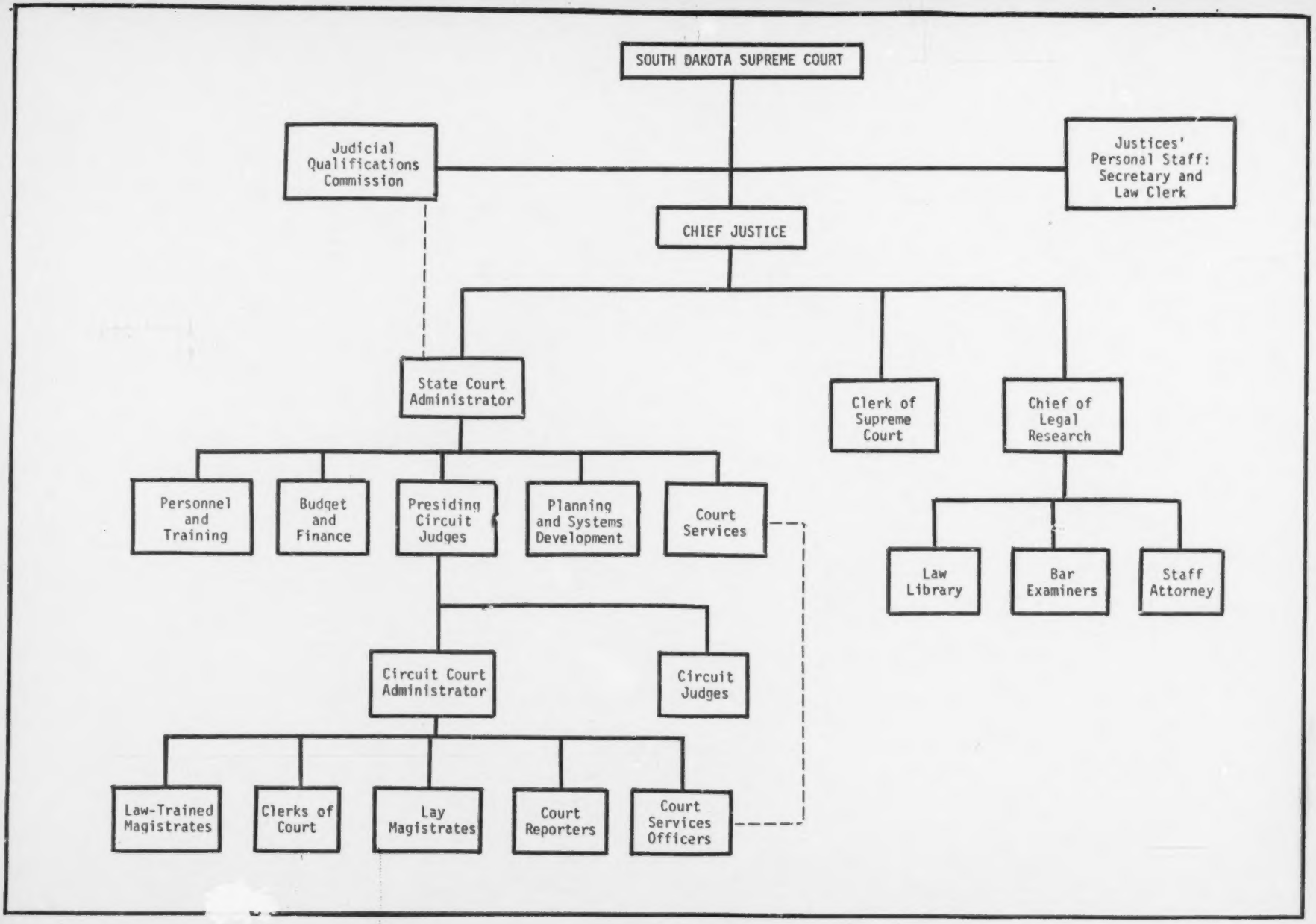


Table 2. Organizational Chart for the Unified Judicial System

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required in the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The Clerk performs important organizational functions to assist the Chief Justice in facilitating the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court, the compilation of appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this permanent position performs a number of functions:

1) As executive secretary of the bar examiners, the chief of legal research assists the examiners in developing, administering, and correcting the examinations given to persons seeking admission to the bar.
2) As Supreme Court law librarian, this office is responsible for supervising and maintaining the Supreme Court law library of some 40,000 volumes.
3) The chief of legal research also coordinates the staff attorney's efforts to prescreen appeals and draft internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorney screens the cases brought on appeal and makes recommendations to the Supreme Court regarding disposition.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative direction and support services to the Unified Judicial System. In addition to these management and policy functions, there are four major sub-divisions of the office, each operating within its own sphere of administrative activity.

The personnel and training division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including mandatory professional development programs for judges. The personnel and training office is also responsible for the revision of personnel rules, and coordination of activities involved in advertising open positions and recruiting new personnel for the judiciary.

The budget and finance division is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory, and the creation of new forms and accounting procedures for the Unified Judicial System.

The division of planning and systems development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, the analysis of caseload and disposition data, and the preparation of research reports. This year, the division developed a new civil case reporting process, and is performing the research to implement the purchase and programming of a micro-computer for handling magistrate caseload and accounting processes.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the development and coordination of all statewide activities directly related to the program of court services officers.

During the year, a task force comprised of court services officers and staff of the the office of Planning and Systems Development designed and implemented the Court Services Adult Probation Workload Action Program. The program, which provides the UJS with an automated information system encompassing misdemeanant and felony probation activities, became operational on July 1, 1982.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting, and statistical reporting responsibility. Presently, only the Second and Seventh Judicial Circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, and perform record-keeping and filing functions for the courts. They also assist and inform the public on matters involving the schedule of the court and proper procedures, and maintain the appropriate court records for the judicial reporting system. In addition, the clerk of court functions as the lay magistrate in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator periodically to discuss the needs and problems of clerks' offices, and to suggest solutions.

The table below details the number of persons in various categories of clerk-magistrate and lay magistrate positions, full-time and part-time, by circuit.

Table 3. Clerk-Magistrate Staffing

CIRCUIT:	1	2	3	4	5	6	7	8	TOTAL
FULL-TIME									
Court Clerk-Magistrate	9	2	11	10	7	10	4	4	57
Court Clerk (not lay magistrate)	0	0	0	0	0	0	3	0	3
Deputy Court Clerk	8	15	6	0	7	0	16	1	53
Deputy Court Clerk-Magistrate	2	0	6	8	2	4	0	5	27
Other*	0	4	0	0	0	0	1	0	5
PART-TIME									
Court Clerk-Magistrate	0	0	0	1	1	3	0	4	9
Deputy Court Clerk	4	0	3	6	4	1	3	1	22
Deputy Court Clerk-Magistrate	0	0	4	0	1	9	0	6	20
Lay Magistrate	4	1	0	0	0	5	4	2	16

*Accounting Clerk, Microfilm Machine Operator

Court Services Officer

The primary duties of the court services officers include 1) conducting presentence and juvenile prehearing investigations, 2) generating the appropriate reports and recommendations resulting from those investigations, 3) providing juvenile diversion, probation, and family treatment services, 4) coordinating and receiving restitution payments, 5) supervising probation assignments as ordered by the courts, and 6) organizing and coordinating foster care and residential group care services for juveniles.

Coordinating the activities of the court services officers are the chief court services officers, one of which is appointed in each judicial circuit. These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most law-trained magistrates are assigned a full-time court reporter, whose duty it is to keep detailed records of those courtroom activities which require verbatim transcripts, to make those transcripts available, and to assist the court in any related needs. The court reporter may also provide secretarial services for the judge.

Table 4. Staffing Allocations by Judicial Circuit: Fiscal Year 1982

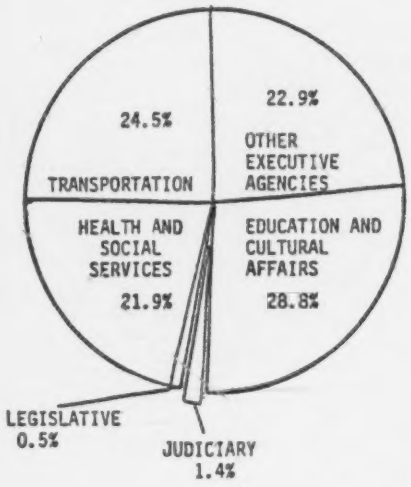
	CIRCUIT JUDGE	LAW TRAINED MAGIS-TRATE	LAY MAGIS-TRATE	COURT REPORTER	LAW CLERK	COURT ADMIN-ISTRATOR	COURT SERVICES OFFICER	SEC-RETARY	CLERK OF COURT	DEPUTY CLERK	BAIL-IFF	TOTAL
FIRST CIRCUIT	4.0	.5	2.0	4.0			7.0	3.0	9.0	12.1	.5	42.1
SECOND CIRCUIT	5.0	2.0	.7	7.0	2.0	1.0	12.0	6.0	2.0	19.0	4.4	61.1
THIRD CIRCUIT	6.0	.5		6.0			8.0	4.0	11.0	15.6	.5	51.6
FOURTH CIRCUIT	4.0	1.0		4.0			6.0	3.0	10.4	9.2	.7	38.3
FIFTH CIRCUIT	4.0	1.8		5.0	1.0		5.0	3.2	7.6	11.1	.6	39.3
SIXTH CIRCUIT	5.0	1.0	2.1	5.0	1.0		5.5	2.5	11.6	5.7	.2	39.6
SEVENTH CIRCUIT	5.0	1.6	1.3	6.0	1.0	1.0	9.0	5.5	4.0	18.5	1.7	54.6
EIGHTH CIRCUIT	3.0	2.0	.8	4.0			4.0	2.0	6.5	7.2	.7	30.2
TOTAL	36.0	10.4	6.9	41.0	5.0	2.0	56.5	29.2	62.1	98.4	9.3	356.8

Staffing Allocations

Because many of the positions filled in the Unified Judicial System are part-time positions, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). The data for fiscal year 1982 reflects a 4.2 reduction from the last fiscal year, which was, in turn, 4.2 FTE less than the year previous.

And, along with this decrease in personnel, the full time law-trained magistrate position in the sixth circuit was eliminated late in the fiscal year.

Table 5. State Budget Allocation



AGENCY		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation		$172.5	24.5
Education and Cultural Affairs		202.9	28.8
Health and Social Services		154.2	21.9
Other Executive Agencies:			
Charities and Corrections	$35.5		
Labor	25.7		
Executive Management	19.4		
Game, Fish and Parks	16.0		
Public Safety	13.2		
Other	52.1		
Total, Other Executive Agencies		161.9	22.9
LEGISLATIVE		3.5	0.5
JUDICIARY		10.1	1.4
TOTAL		$705.1	100.0

Financing the Unified Judicial System

The Unified Judicial System of South Dakota is financed by a combination of state, county, and municipal funds. The state has the responsibility for funding the operations of the Supreme Court, the State Court Administrator's Office, circuit court, clerks of court, court services, the out-of-home placement of juveniles, and training. State funding is provided for personal services, which includes salaries and benefits, for all employees in these operations. For fiscal year 1982, these were furnished at a cost of 8.0 million dollars for 411 full-time equivalent employees.

The state also funded operating costs of 2.1 million dollars in fiscal year 1982. These operating costs are travel, contractual services, supplies and materials, and capital assets.

It is the county's responsibility to fund jury fees, witness fees, transcript costs and attorney fees for indigent defense. Also, counties are required to provide facilities for the operations of circuit court, clerks of court, and court services. The facilities provided are office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. Many counties maintain a county law library which is partially funded from a law library fee collected on each civil filing in the circuit court.

The legislature requires the counties to reimburse the state's general fund 25% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year. The total amount of the reimbursement is

pro-rated to each county based upon its population's percentage of the total population of the state.

Municipalities funding is provided to support activities that are necessary to enforce municipal ordinances and by-laws. They must fund jury fees, witness fees, and transcript costs and attorney fees for indigent defense. Municipalities must also provide facilities for law-trained and lay magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support the activities in the courtroom. The legislature requires that the state general fund receive 35% of all fines, penalties, and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes the preparation and submission of the annual consolidated budget request, the control of the operating budget, and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts.

The definitions below apply to the categories of accounting information in Table 6, following.

Definitions

City Fines: Collected for violations of city ordinances. A percentage of these is remitted to the state general fund for reimbursement of the court system. The remainder stays with the municipality.

City Costs Recovered: Received for costs incurred by a city in processing cases. The money is retained by the city.

City Forfeitures: Bond forfeitures retained for violation of city ordinance. A percentage goes to the state general fund and the remainder goes to the city.

State Fines: Collected for violation of state law. The money is sent to the Department of School and Public Lands to be pro-rated and returned to the school district in the county from which it was received.

State Costs Recovered: Returned to the county for services, such as performing blood tests on DWI offenders.

State Forfeitures: Bond forfeitures retained for violations of state laws. This money, formerly remitted to the state general fund, is now returned to the county.

Cash Fees: Collected for filings, such as small claims actions, and retained by the county.

Law Library Fee: Collected with civil case filing fees, to support the county law library.

Law Officer Training Fee: Added to fines for certain criminal offenses, to support training of law enforcement personnel.

Court-Appointed Attorney Fee: Occasionally paid by indigent defendants after trial, cost of court appointed counsel is reimbursed to county general fund, usually as a condition of probation.

Restitution: Amount paid by defendant to reimburse injured party. No part is retained by court.

Child Support: Payments received by the clerk of court for transfer to the recipient specified by the court. No part retained by the court.

Trust Fund and Posted Bond: Funds held in trust pending court action. The money is either returned to the proper party, or, particularly in the case of bonds, forfeited according to court assessment. The forfeitures are defined above.

Other: Miscellaneous monies received by the court system other than those listed above.

Table 6. Clerk of Court Receipts and Disbursements, Fiscal Year 1982

CASH RECEIPTS	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTAL
City Fines	$ 133,716	$ 680,295	$ 142,857	$ 82,795	$ 142,340	$ 78,651	$ 389,000	$ 148,482	$ 1,798,136
City Costs Recovered	92	1,118	1,130	30	811	61	-0-	569	3,811
City Forfeitures	112	3,606	6,823	2,238	628	52	810	32	14,301
State Fines	666,274	478,606	707,872	574,612	430,309	419,337	569,674	573,608	4,420,292
State Costs Recovered	7,981	78,837	17,569	13,184	9,931	19,516	32,415	24,417	203,850
State Forfeitures	7,872	8,628	1,241	4,373	7,453	2,700	12,146	8,388	52,801
Cash Fees	79,407	98,975	96,121	52,905	65,528	58,169	81,401	48,471	580,977
Law Library Fee	8,350	12,890	10,554	5,621	7,164	6,290	9,973	5,521	66,363
Postage (small claims)	3,953	3,792	6,109	2,407	3,154	4,007	4,369	2,262	30,053
Law Officer Trng. Fee	41,767	65,164	46,033	34,153	29,557	27,101	52,298	34,157	330,230
Court Apptd. Attny. Fee	9,059	29,609	19,064	18,566	9,414	9,617	8,328	12,258	115,915
Petty Offenses Fine	115	-0-	280	65	930	175	540	106	2,211
Restitution	71,817	155,893	82,654	134,427	55,679	81,741	95,076	36,566	713,853
Posted Bonds	193,304	164,210	143,589	98,570	227,014	155,190	198,588	112,960	1,293,425
Other	11,907	817	52,778	65,574	4,502	7,474	15,735	869	159,706
Child Support Collected	379,772	785,914	1,444,706	552,310	767,893	638,783	1,315,994	433,547	6,318,919
Trust Fund	29,246	56,230	157,462	31,504	50,112	66,132	127,551	41,189	559,426
TOTAL RECEIPTS	$1,644,744	$2,624,584	$2,936,842	$1,673,334	$1,812,419	$1,574,996	$2,913,948	$1,483,402	$16,664,269
CASH DISBURSED									
Remitted to Cities	$ 137,189	$ 685,071	$ 150,850	$ 85,063	$ 143,779	$ 78,915	$ 389,810	$ 149,033	$ 1,819,710
Remitted to Counties	817,171	772,389	898,841	702,758	559,566	542,855	766,409	706,396	5,766,385
Restitution	75,289	164,650	81,578	132,114	55,352	81,781	82,477	33,315	706,556
Postage (small claims)	3,948	3,792	5,904	2,407	2,833	4,004	4,363	2,267	29,518
Posted Bond Refund	163,271	149,642	115,241	100,001	224,140	150,106	188,831	128,432	1,219,664
Misc. Refund	323	267	328	215	387	331	78	56	1,985
Other	11,645	648	52,509	52,338	4,142	7,856	15,926	621	145,685
Child Support Forwarded	379,772	785,914	1,444,706	552,310	767,893	638,783	1,315,994	433,547	6,318,919
Trust Fund	23,213	57,744	145,122	11,116	50,021	74,404	97,350	45,822	504,792
Remitted to State	230	-0-	-0-	-0-	-0-	30	-0-	-0-	260
TOTAL DISBURSED	$1,612,051	$2,620,117	$2,895,079	$1,638,322	$1,808,113	$1,579,065	$2,861,238	$1,499,489	$16,513,474

Table 7. Civil Caseload by County, Fiscal Year 1982

	CIVIL CASES					DIVORCE, ETC.			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	FILINGS		DISPOSITIONS				DISPOSITIONS			DISPOSITIONS						
	ADMIN	OTHER	DEFAULT*	COURT**	JURY	FILINGS	DEFAULT	CONTESTED	FILINGS	DEFAULT	TRIAL	PROBATE	ADOPTION	GUARDIANSHIP	MENTAL ILLNESS	JUVENILE PETITIONS
1ST CIRCUIT																
BON HOMME	6	51	19	33	4	18	2	20	185	149	36	78	6	5	7	3
CHARLES MIX	1	79	33	27	1	45	14	13	238	149	47	80	3	13	4	21
CLAY	0	140	20	10	2	40	35	4	369	267	30	57	6	9	7	11
DOUGLAS	0	16	13	0	0	6	4	0	59	56	0	21	1	4	0	3
HUTCHINSON	2	55	12	10	0	8	7	5	121	116	15	104	3	6	4	3
LINCOLN	0	147	61	10	2	37	26	6	195	203	33	102	9	15	2	68
TURNER	1	83	6	6	1	32	20	3	206	152	37	91	3	8	2	23
UNION	2	182	29	14	3	54	33	16	257	237	22	90	9	8	0	6
YANKTON	2	208	23	61	4	119	76	22	482	648	44	88	12	52	135	103
TOTAL	14	961	216	171	17	359	217	89	2112	1977	264	711	52	120	161	241
2ND CIRCUIT																
MINNEHAHA	26	2562	2090	50	36	695	503	74	2191	1667	391	426	101	86	117	342
3RD CIRCUIT																
BEADLE	0	225	310	4	1	93	86	2	604	564	119	105	10	23	4	31
BROOKINGS	3	303	216	59	3	89	84	54	1134	1067	117	92	15	8	3	66
CLARK	0	49	38	0	0	13	6	1	126	122	2	45	3	6	2	2
CODINGTON	4	344	250	26	1	108	90	38	571	442	81	119	13	30	7	79
DEUEL	0	66	33	5	1	19	3	10	194	176	13	46	2	6	1	8
FAULK	2	18	28	1	0	5	9	0	31	30	3	28	4	3	2	3
GRANT	6	89	39	5	0	34	21	8	176	170	20	58	4	8	3	24
HAMLIN	3	48	41	3	0	14	4	7	118	101	13	56	2	4	1	9
HAND	2	65	54	10	0	9	5	3	209	215	9	29	3	5	0	8
KINGSBURY	0	43	27	8	0	20	10	7	161	142	16	90	1	8	1	9
SPINK	2	104	18	4	0	27	10	2	195	166	17	70	1	20	9	6
TOTAL	22	1354	1054	125	6	431	328	132	3519	3195	410	738	58	121	33	245
4TH CIRCUIT																
AURORA	1	30	18	4	2	5	0	2	71	63	2	26	1	8	1	1
BRULE	0	67	15	2	1	21	8	9	103	88	8	45	4	6	2	19
BUFFALO	1	11	3	0	0	2	2	0	34	29	3	7	1	1	0	0
DAVISON	0	212	106	26	2	77	23	42	473	427	65	106	18	17	7	23
HANSON	0	20	13	1	0	3	2	1	35	27	0	26	0	0	0	1
JERAULD	2	34	16	0	0	5	5	2	106	91	3	23	4	2	2	0
LAKE	0	82	56	5	0	29	27	1	387	289	19	80	3	11	6	16
MC COOK	3	43	25	7	0	15	8	6	150	125	17	49	5	7	0	12
MINER	0	34	6	5	1	13	5	10	94	64	8	40	2	8	3	3
MOODY	1	85	53	29	6	11	15	14	157	147	34	46	10	7	3	23
SANBORN	0	16	7	5	0	5	1	2	93	74	18	35	3	2	0	0
TOTAL	8	634	318	84	12	186	96	89	1703	1424	177	483	51	69	24	98

*"DEFAULT" includes dismissal, stipulation, and settlement.
** "COURT" includes disposition hearings as well as court trials.

Table 7 (cont'd). Civil Caseload by County, Fiscal Year 1982

	CIVIL CASES					DIVORCE, ETC.			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	FILINGS		DISPOSITIONS				DISPOSITIONS			DISPOSITIONS						
	ADMIN	OTHER	DEFAULT*	COURT**	JURY	FILINGS	DEFAULT	CONTESTED	FILINGS	DEFAULT	TRIAL	PROBATE	ADOPTION	GUARDIANSHIP	MENTAL ILLNESS	JUVENILE PETITIONS
5TH CIRCUIT																
BROWN	9	619	624	92	8	217	328	67	926	700	111	171	14	47	36	129
CAMPBELL	0	9	6	3	0	10	2	2	40	56	5	21	0	0	0	3
DAY	2	81	69	19	0	17	2	8	285	242	26	57	2	26	1	6
EDMUNDS	0	42	10	5	0	16	3	3	65	52	7	43	3	5	2	3
MARSHALL	2	46	22	0	0	14	9	1	160	191	6	41	1	3	1	26
MC PHERSON	0	31	29	2	0	9	6	1	38	35	0	41	1	1	3	0
ROBERTS	2	85	82	4	0	34	35	1	177	170	21	101	6	8	4	75
WALWORTH	1	76	45	7	0	18	10	13	143	111	31	42	5	0	3	17
TOTAL	16	989	887	132	8	335	395	96	1834	1557	207	517	32	90	50	259
6TH CIRCUIT																
BENNETT	0	26	7	1	0	13	6	5	74	64	5	19	0	2	0	8
GREGORY	3	78	37	1	3	16	8	2	229	169	14	51	2	10	1	3
HAAKON	0	28	13	11	1	12	3	5	79	54	17	25	1	4	0	1
HUGHES	27	289	109	50	2	112	83	26	874	816	105	58	9	8	9	48
HYDE	3	15	12	2	0	3	2	0	92	77	9	14	1	0	2	0
JACKSON	2	16	10	0	0	9	12	1	45	35	3	11	2	4	1	3
JONES	0	14	9	0	0	4	2	0	58	52	5	7	0	0	0	0
LYMAN	1	57	27	4	0	11	5	3	138	84	5	36	5	2	1	4
MELLETTE	1	26	18	6	0	7	4	0	35	22	5	12	0	2	1	3
POTTER	0	55	30	0	1	10	6	0	83	62	11	29	1	4	0	4
STANLEY	0	60	21	8	1	13	19	4	201	160	12	18	4	2	0	4
SULLY	1	12	3	0	0	6	3	2	37	44	2	18	0	2	0	0
TRIPP/TODD	3	145	38	5	2	46	39	9	380	285	25	48	1	4	2	13
TOTAL	41	821	334	86	10	262	192	57	2325	1924	218	346	26	44	17	101
7TH CIRCUIT																
CUSTER	6	158	41	54	1	35	16	9	167	94	21	40	4	3	2	20
FALL RIVER	1	181	173	55	2	76	56	5	271	223	26	77	9	10	6	11
PENNINGTON	15	1277	1110	368	14	629	535	154	0	0	0	277	79	45	10	160
RAPID CITY	0	201	110	25	1	0	0	0	2068	1444	316	0	0	0	85	0
TOTAL	23	1817	1434	502	18	740	607	168	2506	1761	363	394	92	58	103	191
8TH CIRCUIT																
BUTTE	3	177	80	50	2	48	45	26	225	186	22	70	10	8	6	8
CORSON	0	29	23	6	0	6	0	10	76	71	12	30	2	11	0	0
DEWEY	1	39	12	2	0	15	12	2	93	89	10	14	1	4	0	9
HARDING	0	25	10	4	0	8	3	4	26	21	1	40	0	1	0	1
LAWRENCE	6	306	160	1	3	137	123	2	453	219	49	115	15	15	6	30
MEADE	5	150	118	64	0	92	103	27	261	226	40	83	16	18	25	24
PERKINS	1	37	17	1	0	14	9	2	38	48	2	28	2	4	4	15
ZIEBACH	1	4	1	1	0	2	1	0	29	28	1	7	0	0	0	0
TOTAL	17	767	421	129	5	322	296	73	1201	878	137	387	46	61	41	87
STATE TOTAL	167	9905	6754	1281	112	3330	2634	778	17391	14383	2167	4002	458	649	546	1564

* "DEFAULT" includes dismissal, stipulation, and settlement.

** "COURT" includes disposition hearings as well as court trials.

Table 8. Criminal Caseload by County, Fiscal Year 1982

	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEA	DISMISSALS	TRIAL	FILINGS	PRELIM. HEARING	GUILTY PLEA	DISMISSALS	TRIAL COURT	TRIAL JURY	FILINGS	PRELIM. HEARING	GUILTY PLEA	DISMISSALS	TRIAL COURT	TRIAL JURY
1ST CIRCUIT																	
BON HOMME	7	452	442	9	20	66	7	63	5	2	6	6	1	1	1	1	2
CHARLES MIX	2	1705	1743	68	3	181	14	159	23	4	0	28	9	19	10	2	5
CLAY	8	2103	2069	14	45	191	16	179	6	3	1	57	15	46	3	2	8
DOUGLAS	9	445	439	14	8	15	1	14	2	0	0	8	1	4	3	0	1
HUTCHINSON	1	613	610	11	11	32	9	32	1	1	1	8	6	6	3	0	3
LINCOLN	7	1877	1754	224	57	140	54	112	28	4	0	53	15	25	32	0	4
TURNER	1	866	825	18	9	40	3	36	11	1	1	36	6	16	12	0	5
UNION	13	2941	2871	24	46	144	10	127	8	5	1	41	5	24	20	0	1
YANKTON	9	2473	2415	68	81	222	58	184	32	19	20	91	47	53	40	1	5
TOTAL	57	13475	13168	450	280	1031	172	906	116	39	30	328	105	194	124	6	34
2ND CIRCUIT																	
MINNEHAHA	980	30606	24662	5342	1202	2086	496	1654	330	51	15	617	288	347	283	3	24
3RD CIRCUIT																	
BEADLE	48	2910	2633	157	66	226	18	184	39	7	4	92	16	37	38	1	6
BROOKINGS	15	2525	2351	96	51	293	25	279	15	2	3	103	8	65	24	0	3
CLARK	2	328	320	8	0	22	3	17	1	0	1	9	1	4	3	0	0
CODINGTON	34	3724	3681	86	64	293	37	266	23	3	2	77	25	48	17	0	5
DEUEL	3	684	632	10	2	34	1	35	1	1	0	13	5	9	7	0	2
FAULK	0	499	489	8	0	25	8	22	3	0	0	3	0	3	0	0	0
GRANT	8	1068	1031	11	31	112	10	95	10	1	6	32	7	16	11	0	7
HAMLIN	11	512	487	10	8	63	3	53	3	1	1	8	2	7	2	0	0
HAND	20	709	677	21	10	44	1	37	1	0	0	19	2	4	3	1	0
KINGSBURY	3	465	455	4	3	70	7	66	3	0	1	10	4	3	4	0	0
SPINK	9	1014	1069	19	11	78	5	80	1	1	4	24	5	20	0	1	3
TOTAL	153	14438	13825	430	246	1260	118	1134	100	16	22	390	75	216	109	3	26
4TH CIRCUIT																	
AURORA	2	1110	1113	3	12	29	2	21	3	1	1	3	2	4	1	0	2
BRULE	5	1435	1404	46	23	122	34	96	21	4	16	35	20	17	12	1	5
BUFFALO	1	24	19	2	0	1	0	0	0	0	0	0	0	0	0	0	0
DAVISON	6	4579	4237	239	86	259	29	234	27	4	4	75	21	48	29	0	5
HANSON	3	299	308	2	0	19	12	14	4	0	0	4	3	1	1	0	0
JERAULD	0	262	236	4	0	18	1	13	2	1	0	4	1	3	1	0	0
LAKE	4	1459	1345	82	18	123	32	110	19	1	21	30	10	25	8	0	7
MC COOK	0	629	671	2	4	54	21	52	8	1	4	13	9	8	5	0	3
MINER	0	207	212	2	4	21	4	15	3	2	0	4	1	3	1	0	0
MOODY	2	893	941	29	21	74	10	61	11	3	0	23	13	16	7	3	1
SANBORN	5	678	662	20	22	26	3	23	0	2	0	8	0	4	2	0	0
TOTAL	28	11575	11148	431	190	746	148	639	98	19	46	199	80	129	67	4	23

Table 8 (cont'd). Criminal Caseload by County, Fiscal Year 1982

	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEA	DISMISSALS	TRIAL	FILINGS	PRELIM. HEARING	GUILTY PLEA	DISMISSALS	TRIAL COURT	TRIAL JURY	FILINGS	PRELIM. HEARING	GUILTY PLEA	DISMISSALS	TRIAL COURT	TRIAL JURY
5TH CIRCUIT																	
BROWN	75	5284	4900	359	111	542	88	372	169	10	2	186	46	96	89	0	3
CAMPBELL	2	226	218	2	3	9	5	5	0	4	1	3	3	0	0	4	0
DAY	1	472	444	23	14	97	3	91	10	5	0	26	5	23	7	0	1
EDMUNDS	2	579	565	17	14	38	5	25	11	0	0	16	1	8	9	0	0
MARSHALL	1	332	331	11	36	68	4	67	2	1	0	5	2	4	1	0	0
MC PHERSON	0	133	139	1	8	7	1	6	1	6	0	2	2	0	2	1	0
ROBERTS	4	1615	1580	47	16	280	20	228	32	14	3	59	10	31	20	2	3
WALWORTH	35	1499	1420	70	34	98	5	95	5	0	0	42	9	44	4	0	2
TOTAL	120	10140	9597	530	236	1139	131	889	230	40	6	339	78	206	132	7	9
6TH CIRCUIT																	
BENNETT	1	708	642	25	6	146	10	47	13	8	2	64	11	11	8	7	6
GREGORY	1	341	352	14	0	41	2	36	6	0	3	14	4	11	9	0	1
HAAKON	0	247	242	0	1	22	20	23	1	0	1	0	0	0	0	0	0
HUGHES	20	3098	2913	176	85	434	121	380	37	13	18	100	59	75	28	0	4
HYDE	1	104	112	0	1	5	0	4	0	0	0	2	3	2	1	0	0
JACKSON	2	1673	1544	15	4	124	5	47	24	1	2	35	3	1	16	0	0
JONES	2	439	436	11	2	27	4	15	2	0	0	16	9	10	5	0	0
LYMAN	2	590	588	3	1	37	5	34	4	0	0	9	3	6	1	0	0
MELLETTE	4	219	183	22	6	26	8	18	5	0	2	9	3	3	4	0	0
POTTER	1	432	396	13	4	76	3	31	5	0	1	9	1	2	5	0	0
STANLEY	6	743	696	100	6	63	12	60	10	3	0	33	17	26	6	0	7
SULLY	1	278	266	1	8	4	5	8	0	0	0	8	3	2	1	0	0
TRIPP/TODD	7	848	831	28	9	132	16	100	21	0	8	46	13	21	18	1	2
TOTAL	48	9720	9201	408	133	1137	211	803	128	25	37	345	129	170	102	8	20
7TH CIRCUIT																	
CUSTER	5	1485	1342	54	32	239	24	107	21	1	6	55	13	13	15	0	4
FALL RIVER	20	1382	1317	56	77	137	29	99	31	6	5	37	23	20	16	2	8
PENNINGTON	1	694	663	15	0	50	15	21	5	1	2	239	96	132	46	0	13
RAPID CITY	276	17966	15045	2899	250	1304	148	1040	259	8	24	133	35	44	96	1	2
TOTAL	302	21527	18367	3024	359	1710	216	1267	316	16	37	464	167	209	173	3	27
8TH CIRCUIT																	
BUTTE	6	1423	1374	28	39	321	40	194	24	91	3	58	18	30	10	14	5
CORSON	1	308	308	4	4	12	0	11	0	0	0	3	1	3	0	0	0
DEWEY	0	220	212	7	1	23	3	17	5	0	0	5	2	5	3	0	0
HARDING	5	1016	963	35	11	12	3	12	1	0	0	3	1	1	2	0	0
LAWRENCE	90	3537	3413	31	9	338	33	323	21	1	2	53	17	46	13	0	7
MEADE	70	3501	3483	101	28	294	42	233	39	4	2	105	41	74	25	0	4
PERKINS	11	543	504	22	0	102	3	46	8	0	0	12	3	3	3	0	1
ZIEBACH	4	298	278	9	0	7	0	6	1	0	0	0	0	0	0	0	0
TOTAL	187	10846	10535	237	92	1109	124	842	99	96	7	239	83	162	56	14	17
STATE TOTAL	1875	122327	110503	10852	2738	10218	1616	8134	1417	302	200	2921	1005	1633	1046	48	180

Table 9. Civil Caseload Summary, FY 79 Through FY 82

Category	FY 79	FY 80	FY 81	FY 82
Civil Filings	8379	9255	9162	10072
Defaults	5094	5984	6731	6754
Trials and Disposition Hrgs.	1087	1077	1327	1393
Divorce Filings	3126	3518	3544	3330
Defaults	2351	2642	2605	2634
Contested	469	762	787	778
Small Claims Filings	13014	16432	17999	17391
Defaults	9097	11841	14480	14383
Contested	1104	2119	2067	2167
Miscellaneous				
Probate	3970	4223	3956	4002
Adoption	626	516	487	458
Mental Illness	616	599	592	546
Guardianship	632	596	581	649
Juvenile Petitions	1730	1833	1880	1564

Civil Caseload

The table above contains a summary of data reflecting the filings and dispositions of the civil caseload. The "defaults" category above includes dismissals, stipulations, and settled cases disposed without hearing. Dispositions in fiscal 1982 are up only slightly from 1981 in comparison with the filings increase. This would indicate that the pending civil caseload is likely to reflect a similar increase during fiscal 1983.

Divorce and small claims filings have decreased in the same period. In small claims cases, the earlier growth in filings appears to be stabilizing. The earlier rising trend was probably related to the increases in recent years in limits on damages allowed in small claims court, from $500 to $1000, then to the present level of $2000. Filings are up over one-third during the four-year period from fiscal 1979 to 1982, and contested cases have almost doubled during that time.

In miscellaneous filings, adoptions show a steady gradual decline over the four-year period. Mental illness filings also show a very shallow decline, while the other categories indicate no discernable trend.

Table 10. Criminal Caseload Summary,
Fiscal Years 1979 Through 1982

Category	FY 1979	FY 1980	FY 1981	FY 1982
Misdemeanor-Two:				
Filings	122126	115829	126974	122327
Guilty Pleas	113559	106006	117127	110503
Dismissals	6423	7854	7954	10852
Trials	2281	2583	2339	2738
Suspended Imposition of Sent.	50	150	302	394
Misdemeanor-One:				
Filings	9148	8757	9258	10218
Preliminary Hearings	1161	1169	1253	1616
Guilty Pleas	6849	6624	7099	8134
Dismissals	1328	1304	1340	1417
Court Trial	291	240	294	302
Jury Trial	168	174	181	200
Suspended Imposition of Sent.	56	85	179	430
Felony:				
Filings	2337	2809	2846	2921
Preliminary Hearings	688	785	583	1005
Guilty Pleas	1078	1270	1368	1633
Dismissals	817	1079	1082	1046
Court Trial	55	35	48	48
Jury Trial	160	181	222	180
Suspended Imposition of Sent.	234	288	310	410

Criminal Caseload

Most of the material in the charts following are a graphic presentation of the data contained in the table above.

Misdemeanor Two

The bulk of the misdemeanor-two cases are traffic offenses (excluding DWI and reckless driving), bad check cases involving $100 or less, and possession of one ounce or less of marijuana. The reduction in filings in this category from fiscal 1981 to 1982 is probably related to the traffic fine increase that took effect during the year. Because this change was operative only during the latter part of the year, however, the impact will not be fully reflected in the data until fiscal year 1983.

Although not evident in the chart, the data in table 10 indicates that total filings and guilty pleas are down for this category of case, while trials and dismissals have increased significantly during the year. The rise in trials may be interpreted as meaning that the defendants involved in traffic violations have been reluctant to plead guilty, but often seem to challenge the prosecution of the offense. The increase in dismissals may reflect the periodical purging by technical dismissal of long-open cases from the active misdemeanor files. These cases can be reopened if the defendant appears before the magistrate to clear his record and reinstate his driver's license.

Misdemeanor One

Misdemeanor-one cases are primarily driving while intoxicated offenses, reckless driving, bad check offenses involving amounts between $100 and $200, and possession of one pound or less of marijuana.

All disposition-types of this category of case show an increase during the fiscal year. This is probably related to the fact that driving while intoxicated (DWI) arrests--and the resulting filings--have increased substantially during the period. Continued emphasis on this type of prosecution will probably result in an extension of the current trend.

Chart 1.

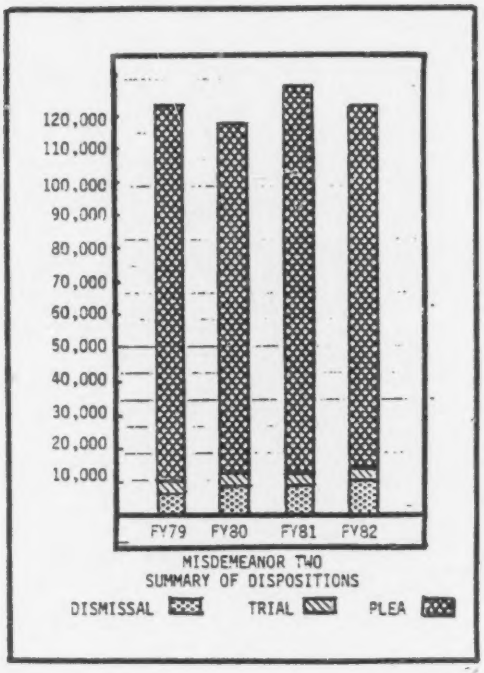
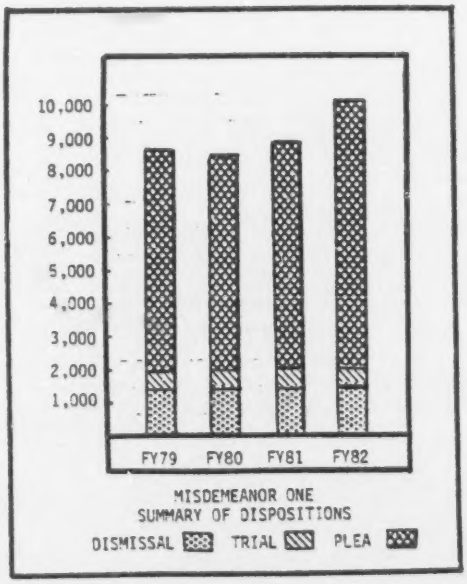


Chart 2.

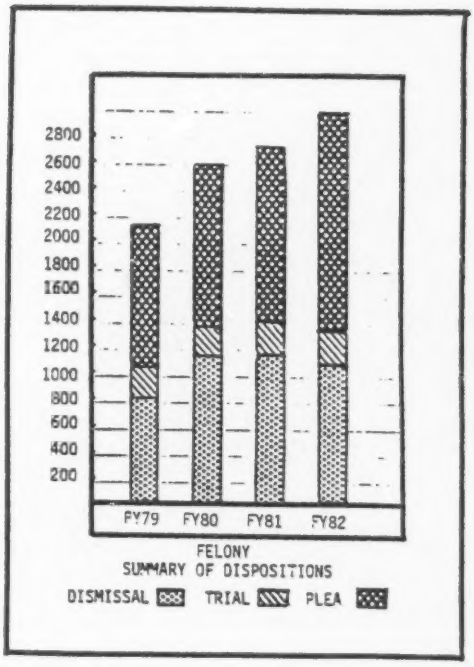


Felony

According to statute, there are eight classifications of felony cases, with restrictions on sentencing for each. Conviction of a class A felony requires a sentence of death or life imprisonment; class B, a sentence of life imprisonment. The remaining six classes are graduated in severity from class one, for which the maximum sentence is life imprisonment plus a $25,000 fine, through to a class six, for which the statute imposes a maximum sentence of two years and/or a $2,000 fine.

Felony trials show some decrease from fiscal year 1981 to fiscal year 1982, while filings and pleas have increased. Preliminary hearings have also increased markedly in this category of offense, while dismissals have declined. On the surface, this would indicate that the prosecution has been less inclined to reduce charges, while the defendants have been more likely to go through a preliminary hearing--to receive disclosure of evidence, and a possible court dismissal--before pleading guilty. This would also indicate some increase in the workload for judges.

Chart 3.



Caseload Commentary

In the prosecution and adjudication of misdemeanors during the past year, there are two areas of activity that may warrant attention. One of these is the increase in fines for misdemeanor two traffic offenses, and the other is the emphasis, reflected nationwide, on prosecution of the charge of driving while intoxicated.

With reference to the first of these, there seems to be no indication at the present time that the increase in fines has actually caused more than a minor reduction in overall caseload in the misdemeanor two category, which includes all traffic offenses except reckless driving and DWI. This does not mean that certain specific categories of traffic offenses have not been modified (a reduction in speeding violations, for example), but that the overall number of cases has not demonstrated a significant change. As noted in the section on criminal caseload, it may be too early for the change to show in the data.

Regarding the DWI prosecution emphasis, the data does reflect some marked modification. In many of the states recently, there has been an increased emphasis on the arrest and prosecution of

those persons who drive after consuming excessive quantities of intoxicants. South Dakota is no exception to this trend.

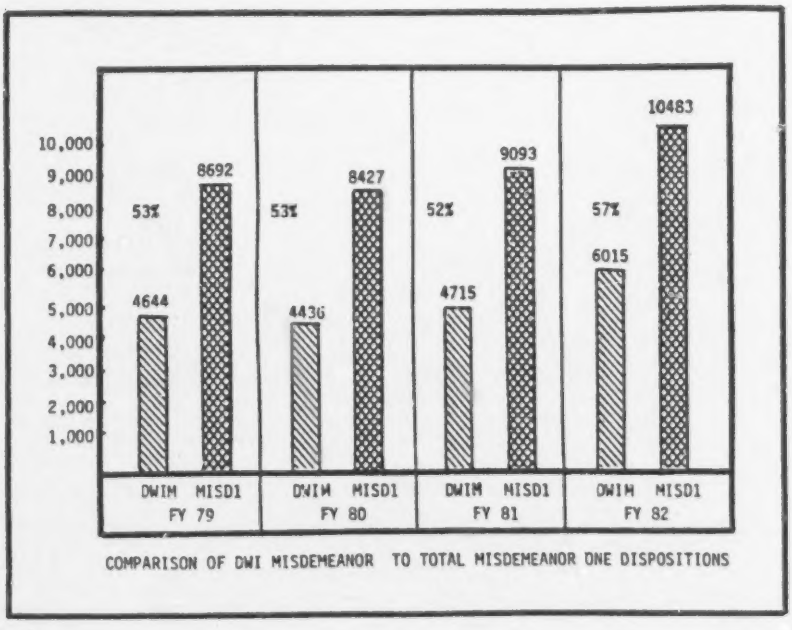
As illustrated in chart 4, below, the number of misdemeanor DWI offenses disposed of during fiscal 1982 has increased by roughly one-fourth over the stable number of the three previous years. Noting also that the overall increase in misdemeanor-one cases of all categories has been about 13%, this means that the change in the ratio of DWI cases to total dispositions is significant (from about 52% during the past three years to 57% in FY 82).

Another significant change in the DWI data for fiscal 1982 is reflected in the sharp increase in the number of trials and suspended impositions during the year (see chart 5). The increase in trials might be interpreted as indicating that there are many more persons challenging their accusation and prosecution as DWI offenders. There has been no noticeable change in the number of persons acquitted at trial, however.

The exercise of the suspended imposition of sentence by the judiciary also reflects an interesting change overall during the fiscal year. Ostensibly, the suspended imposition of sentence is for use in those cases involving conviction--usually a guilty plea--for a fairly serious crime by a person who is unlikely to commit such a breach in the future. The defendant is given a set of conditions to comply with, after which compliance, the record is sealed and it is, for all purposes except sentencing for future offenses, as if the crime never occurred. The advantage of suspended imposition can only be granted one time to any defendant.

The peculiarity reflected in the data on suspended imposition is that it has been granted in an increasing number of DWI cases, and other misdemeanor offenses, both class one and class two, which are relatively minor traffic or bad check cases (see chart 6). In the case of the DWI-one dispositions, the suspended impositions still represent only about 4% of the total dispositions in this class of offense.

Chart 4.



While this intensifying of police action against the DWI offender is laudable in the opinion of most of the aware public, it does present some problem for the court system. The increase in caseload that has resulted from the effort places ever greater demands on the resources of the judicial system, particularly on the magistrate courts.

In noting the obvious need for the judges, magistrates and staff to devote more time to the processing of DWI cases (see chart 4 for an indication of the increase), the question may arise whether the court is able to deal effectively and equitably with this influx.

For example, the magistrate court in Minnehaha County, which includes the city of Sioux Falls, has been required to accommodate an increase of almost 75% in this type of case. Total DWI cases in that court for fiscal 1982 were 1483 (up from 853 in fiscal 81), of which 1281 were prosecuted as first offenders.

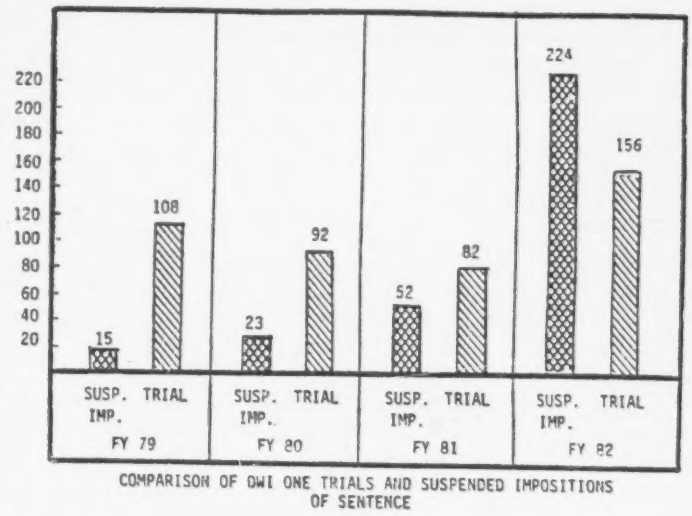
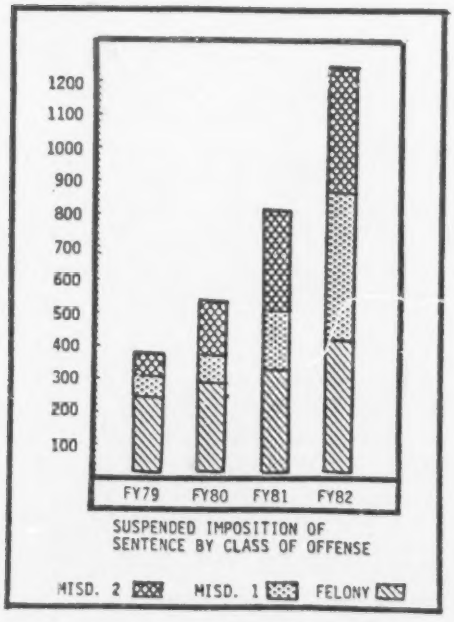


Chart 5.

Chart 6.



Of the 1483, 825 pleaded guilty, 22 went to trial, 430 were dismissed (most were dismissed by the prosecutor), and 206 received suspended imposition of sentence. With only two magistrates handling all of these cases (in addition to the entire magistrate courtroom workload), there may well be a question about how reasonable are the demands that are being placed on the court.

In order to alleviate some of the problems, the presiding judges of the eight judicial circuits and the State Court Administrator have been observing the caseload and sentencing patterns for DWI cases. The probable result of their discussions and studies will be a more uniform, more equitable handling of the DWI caseload. This will apply to the distribution of personnel resources to accommodate the case increase, and to the promotion of more uniform, equitable sentencing practices.

Other Developments During the Year

Procedures Manuals

The systems development division of the State Court Administrator's Office has the responsibility for the preparation and maintenance of the procedures manuals used by the component offices of the system. In particular, these include manuals for use of the clerks' offices, the lay magistrates, and the circuit judges. The clerks' manuals are primarily procedural, to assist the clerks in the various filing, recording, and reporting processes required of their office. The magistrates' manual contains material to assist the magistrates in their judicial functions. The judges' benchbook includes a variety of support material to assist the judicial officers in their various courtroom responsibilities.

In recent years, the clerks' manual has been revised extensively, particularly in the material on small claims, appellate procedures, and the information system. Revisions to the fine and bond schedule are annually incorporated into the material in the lay magistrates' manual. The judges' benchbook is presently undergoing extensive revision to incorporate recent legislative changes.

Changes in Traffic Regulations

As of July 1, 1982, several legislative changes affecting traffic violations took effect in South Dakota. These include a general increase in assessed costs, and additional penalties for offenders who do not comply with traffic citations. There are also some changes in handling DWI (driving while intoxicated) offenses, reckless driving, and attempting to elude the police.

The most noticeable change will be in the increase of the "costs" category of traffic violations. In the past, the costs, designated the Law Enforcement Officers' Training Fund, were set at 5% of the fine, or a minimum of $2.00. Changes in state law SDCL 23-9-52 require that these these costs be replaced by a standard liquidated cost figure of twelve dollars, to be assessed for all moving traffic offenses and violation of other state laws having criminal penalties. Revenues received under this law will be used to defer costs for training various law-enforcement and judicial personnel, to pay for part of the operation of the Attorney General's Office, and to help counties pay for attorneys appointed to defend poor people accused of crimes. The money received from fines will still be transferred to the school district or the municipality.

As under previously existing conditions, a traffic violator who does not comply with the terms of the traffic citation, either by court appearance or by payment of fine and costs, will have his driver's license suspended. Changes in state law, however, now require payment of fifty dollars for the reinstatement of a license suspended or revoked.

In addition, failure to surrender a suspended or revoked driver's license is, according to changes in state law SDCL 32-12-68, a class one misdemeanor, which carries a maximum penalty of $1000 and one year in jail. If it becomes necessary for any law-enforcement officer to obtain the suspended or revoked license by a demand order, there will be an additional service cost of $10.50 plus the officer's mileage costs. Failure of the violator to pay this cost is a class two misdemeanor, the maximum penalty for which is $100 and 30 days in jail.

Speeding violations of ten miles per hour or less over the speed limit will no longer be entered on the offender's driving record, according to changes in state law SDCL 32-12-61.

The sentence for a second or third offense DWI conviction will require revocation of the defendant's driver's license for a period of at least one year. If he is convicted of driving without a license while under this revocation, he will be required unconditionally to serve at least three days in jail (ten days for a third offense).

The sentence for a second (or additional) conviction of reckless driving during a 12-month period, or a conviction of attempting to elude police, will require revocation of the defendant's driver's license for a period of at least thirty days.

Table 11. Court Services Caseload, FY 81 and FY 82

	FIRST CIRCUIT		SECOND CIRCUIT		THIRD CIRCUIT		FOURTH CIRCUIT		FIFTH CIRCUIT		SIXTH CIRCUIT		SEVENTH CIRCUIT		EIGHTH CIRCUIT		STATE TOTAL	
	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82	FY81	FY82
JUVENILE SERVICE:																		
DIVERSION PROGRAM	220	193	76	68	220	187	116	94	18	50	93	72	140	104	75	71	958	839
PRE-HEARING REPORT	146	102	689	409	96	58	55	52	56	53	191	171	94	196	53	26	1380	1067
INFORMAL ADJUSTMENT	25	10	16	4	52	13	0	1	4	0	15	3	9	9	3	9	125	49
PLACED ON PROBATION	151	114	143	143	243	175	80	75	236	157	76	82	99	176	110	88	1138	1010
ON PROBATION AT END OF FISCAL YEAR	122	92	109	102	145	63	42	42	150	119	68	61	102	113	111	84	849	676
ADULT SERVICE																		
MISDEMEANOR:																		
PRESENTENCE REPORT	234	94	39	50	404	238	71	76	147	0	125	8	830	1176	166	2	2016	1644
PLACED ON PROBATION	91	58	211	68	569	626	53	40	379	0	128	27	749	14	219	19	2398	852
FELONY:																		
PRESENTENCE REPORT	38	27	56	77	72	137	85	50	33	35	51	63	89	136	22	46	446	571
PLACED ON PROBATION	57	65	101	109	91	118	47	44	73	79	37	34	60	82	27	44	493	575
ON PROBATION AT END OF FISCAL YEAR	99	126	224	228	141	164	93	99	133	138	92	80	153	143	61	83	996	1061

Table 12. Summary of Costs of Placement

	FISCAL YEAR 1978					FISCAL YEAR 1979					FISCAL YEAR 1980					FISCAL YEAR 1981					FISCAL YEAR 1982				
	GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME		
CIRCUIT	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL
FIRST	35,333	98	725	2	36,058	94,031	95	4,695	5	98,726	63,638	98	1,405	2	65,043	70,595	99	862	1	71,457	74,084	99	32		74,116
SECOND	133,792	94	8,488	6	142,280	233,972	96	8,860	4	242,832	193,591	98	4,358	2	197,949	221,260	99	1,369	1	222,629	294,251	99	1,142		295,393
THIRD	47,675	91	4,818	9	52,493	47,508	72	18,235	28	65,743	84,458	86	13,899	14	98,357	74,614	88	9,908	12	84,522	23,579	56	18,335	44	41,914
FOURTH	18,295	92	1,643	8	19,938	40,267	86	6,358	14	46,625	65,023	98	1,545	2	66,568	68,824	96	2,873	4	71,697	65,968	95	3,488	5	69,456
FIFTH	39,401	97	1,140	3	40,541	94,641	93	7,370	7	102,011	50,603	93	3,737	7	54,340	91,622	95	4,727	5	96,349	76,366	86	12,334	14	88,700
SIXTH	65,794	94	4,366	6	70,160	129,370	96	5,879	4	135,249	120,253	96	4,734	4	124,987	156,917	95	8,293	5	165,210	117,969	88	16,080	12	134,049
SEVENTH	62,105	99	756	1	62,861	156,869	97	5,265	3	162,134	135,345	99	1,461	1	136,806	151,458	98	2,387	2	153,845	87,074	97	3,100	3	90,174
EIGHTH	35,663	88	4,853	12	40,516	67,209	85	11,974	15	79,183	125,672	92	11,218	8	136,890	124,967	94	8,214	6	133,181	79,572	95	4,623	5	84,195
TOTAL	438,058	94	26,789	6	464,847	863,867	93	68,636	7	932,503	838,583	95	42,357	5	880,940	960,257	96	38,633	4	998,890	818,863	93	59,134	7	877,997

Home-based placement cost is not included. See table 13 for these costs.

Table 13. Summary of Totals for Cost and Days of Placement

CIRCUIT	FIRST	SECOND	THIRD	GROUP HOME PLACEMENT FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH
COST	$35,333	$133,792	$47,675	$18,295	$39,401	$65,794	$62,105	$35,663
DAYS	1667	4965	1728	844	1373	2589	2582	1761
COST PER DAY	$21.1	$26.9	$27.6	$21.7	$28.7	$25.4	$24.0	$20.2
				FY 1978				
COST	$94,031	$233,972	$47,508	$40,267	$94,641	$129,370	$156,869	$67,209
DAYS	3901	8124	1892	1618	3763	5222	6034	2729
COST PER DAY	$24.1	$28.8	$25.1	$24.8	$25.2	$24.8	$26.0	$26.0
				FY 1979				
COST	$63,638	$193,591	$84,458	$65,023	$50,603	$120,253	$135,345	$125,672
DAYS	2234	5972	2943	2436	1854	4337	4956	4175
COST PER DAY	$28.5	$32.4	$28.7	$26.7	$27.3	$27.7	$27.3	$30.1
				FY 1980				
COST	$70,595	$221,260	$74,614	$68,824	$91,622	$156,917	$151,458	$124,967
DAYS	2102	6517	2293	2354	2941	4967	4697	3776
COST PER DAY	$33.5	$34.0	$32.5	$29.2	$31.2	$31.6	$32.2	$33.1
				FY 1981				
COST	$74,084	$294,251	$23,579	$65,968	$76,366	$117,969	$87,074	$79,572
DAYS	2369	9118	881	2365	2721	3772	3284	2767
COST PER DAY	$31.27	$32.27	$26.76	$27.89	$28.06	$31.27	$26.51	$28.76
				FY 1982				

CIRCUIT	FIRST	SECOND	THIRD	FOSTER HOME PLACEMENT FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH
COST	$725	$8,488	$4,818	$1,643	$1,140	$4,366	$756	$4,853
DAYS	161	1067	817	313	217	734	159	976
COST PER DAY	$4.5	$8.0	$5.9	$5.4	$5.3	$5.9	$4.7	$5.0
				FY 1978				
COST	$4,695	$8,860	$18,235	$6,358	$7,370	$5,679	$5,265	$11,974
DAYS	791	1066	2821	991	1129	973	909	1995
COST PER DAY	$5.9	$8.3	$6.5	$6.4	$6.5	$6.0	$5.8	$6.0
				FY 1979				
COST	$1,405	$4,358	$13,899	$1,545	$3,737	$4,734	$1,461	$11,218
DAYS	176	507	1738	212	580	758	202	1753
COST PER DAY	$7.9	$8.5	$7.9	$7.2	$6.4	$6.2	$7.2	$6.4
				FY 1980				
COST	$862	$1,369	$9,908	$2,873	$4,727	$8,293	$2,387	$8,214
DAYS	112	151	1342	392	634	1187	300	1199
COST PER DAY	$7.7	$9.1	$7.4	$7.3	$7.5	$7.0	$8.0	$6.9
				FY 1981				
COST	$32	$1,142	$18,335	$3,488	$12,334	$16,080	$3,100	$4,623
DAYS	3	114	2593	492	1534	1779	271	541
COST PER DAY	$10.66	$10.02	$7.07	$7.09	$8.04	$9.04	$11.44	$8.55
				FY 1982				

CIRCUIT	FIRST	SECOND	THIRD	HOME-BASED CARE FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH
COST		$3,876					$7,000	$6,214
DAYS		282					401	395
COST PER DAY		$13.74					$17.46	$15.73
				FY 1982				

Table 14. Summary of Placements

	FY 1978		FY 1979		FY 1980		FY 1981		FY 1982		
	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	HOME BASED SERVICES
FIRST CIRCUIT											
FEMALE DELINQUENT	1	1	2	1	0	0	1	3	0	3	
MALE DELINQUENT	0	5	0	8	0	6	0	3	0	3	
FEMALE CHIN	1	5	1	8	2	8	0	6	1	4	
MALE CHIN	0	2	1	3	0	4	1	5	0	4	
TOTAL	2	13	4	20	2	18	2	17	1	14	
SECOND CIRCUIT											
FEMALE DELINQUENT	0	3	1	6	2	3	0	4	0	3	1
MALE DELINQUENT	2	9	2	18	1	14	0	11	0	20	3
FEMALE CHIN	1	9	2	15	2	12	1	10	1	7	0
MALE CHIN	3	6	3	11	0	7	0	13	0	9	0
TOTAL	6	27	8	50	5	36	1	38	1	39	4
THIRD CIRCUIT											
FEMALE DELINQUENT	0	1	1	3	0	2	0	1	0	0	
MALE DELINQUENT	3	4	4	7	6	3	4	6	5	6	
FEMALE CHIN	1	2	9	5	5	7	4	6	8	1	
MALE CHIN	1	6	6	7	3	3	1	6	0	1	
TOTAL	5	13	20	22	14	15	9	19	13	8	
FOURTH CIRCUIT											
FEMALE DELINQUENT	0	1	1	3	0	4	0	5	0	2	
MALE DELINQUENT	1	4	3	7	0	3	0	5	1	4	
FEMALE CHIN	0	0	0	1	2	5	3	7	3	4	
MALE CHIN	0	1	3	3	2	4	0	4	1	2	
TOTAL	1	6	7	14	4	16	3	21	5	12	
FIFTH CIRCUIT											
FEMALE DELINQUENT	1	0	3	4	2	5	1	3	1	1	
MALE DELINQUENT	0	8	0	12	0	6	0	10	3	4	
FEMALE CHIN	1	3	2	5	2	5	4	9	6	6	
MALE CHIN	0	2	3	4	2	2	2	2	2	3	
TOTAL	2	13	8	25	6	18	7	24	12	14	
SIXTH CIRCUIT											
FEMALE DELINQUENT	0	4	1	3	0	0	2	6	2	3	
MALE DELINQUENT	1	6	2	14	1	20	2	3	2	8	
FEMALE CHIN	3	5	4	9	4	6	5	3	9	2	
MALE CHIN	1	5	1	3	1	3	0	22	3	1	
TOTAL	5	20	8	29	6	29	9	34	16	14	
SEVENTH CIRCUIT											
FEMALE DELINQUENT	0	12	1	15	1	6	0	0	1	3	0
MALE DELINQUENT	1	7	1	19	1	17	1	13	2	15	3
FEMALE CHIN	2	3	2	9	1	8	2	11	3	5	1
MALE CHIN	0	2	2	7	1	5	0	4	0	2	0
TOTAL	3	24	6	50	4	36	3	28	6	26	4
EIGHTH CIRCUIT											
FEMALE DELINQUENT	2	0	2	2	2	1	2	1	2	1	1
MALE DELINQUENT	3	4	4	8	3	10	2	12	2	8	0
FEMALE CHIN	1	6	5	6	3	7	3	7	3	1	0
MALE CHIN	0	1	1	2	2	4	1	2	1	1	1
TOTAL	6	11	12	18	10	22	8	22	8	11	2

Table 15. Juvenile Relocations after One Placement (excludes home-based service)

THE INFORMATION IN THE TABLE BELOW COMPARES THE NUMBER OF JUVENILES RELOCATED AFTER ONE PLACEMENT, TO THE NUMBER OF TOTAL PLACEMENTS FOR EACH JUDICIAL CIRCUIT BY FISCAL YEAR. FOR EACH CIRCUIT, THE FIRST COLUMN, DESIGNATED "2", REPRESENTS THE NUMBER OF JUVENILES RELOCATED FROM ONE FACILITY TO A SECOND. THE SECOND COLUMN, DESIGNATED "3", REPRESENTS THE NUMBER PLACED IN THREE FACILITIES, EXCEPT THOSE FOUR CASES IN FISCAL YEAR 1979 IDENTIFIED BY AN ASTERISK, WHICH WERE PLACED IN MORE THAN THREE FACILITIES. THE THIRD COLUMN, DESIGNATED "TOTAL", REPRESENTS THE TOTAL NUMBER OF PLACEMENTS FOR EACH CIRCUIT IN THE CATEGORY SHOWN.

CIRCUIT:	FIRST			SECOND			THIRD			FOURTH			FIFTH			SIXTH			SEVENTH			EIGHTH		
NO. OF PLACEMENTS	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL
1978																								
FEMALE	2	0	5	0	1	13	0	1	4	0	0	1	1	0	5	2	1	12	4	1	17	0	0	9
MALE	0	0	7	3	0	20	1	0	14	0	0	6	1	0	10	2	0	13	2	1	10	0	1	8
1979																								
FEMALE	1	0	12	2	0	24	6	0	18	1	0	5	1	1*4	14	4	0	17	4	1	27	2	2**	15
MALE	1	0	12	2	0	34	6	1*6	23	2	0	16	2	1*4	19	1	2	20	3	2	29	2	1	15
1980																								
FEMALE	1	0	10	2	0	19	0	0	14	2	0	11	1	1	14	1	2	10	5	0	16	3	1	13
MALE	0	0	10	0	0	22	1	1	15	0	0	9	1	0	10	3	1	25	3	0	24	3	0	19
1981																								
FEMALE	1	0	10	2	0	15	1	0	7	2	0	15	3	0	17	2	1	16	2	1	13	2	0	13
MALE	2	0	9	0	0	24	2	0	17	0	0	9	2	0	14	3	0	27	2	0	18	1	0	17
1982																								
FEMALE	0	0	8	1	0	11	2	2	9	2	0	9	3	2	14	5	0	16	3	0	13	2	0	7
MALE	0	0	7	2	0	29	2	0	12	1	0	8	5	0	12	2	0	14	2	0	19	0	1	12

* MORE THAN THREE PLACEMENTS. IN EACH OF THESE, THE NUMBER FOLLOWING THE ASTERISK INDICATES THE NUMBER OF PLACEMENTS FOR THIS JUVENILE.

** ONE OF THESE WAS THREE PLACEMENTS; ONE WAS FOUR PLACEMENTS.

Table 16. Summary of Costs for Additional Services

Circuit	FY 78	FY 79	FY 80	FY 81	FY 82
1st -	$ 828.38	$ 374.45	$ 238.03	$ 205.26	$ 357.05
2nd -	7,681.85	3,821.80	851.94	1,648.36	1,846.85
3rd -	3,078.87	3,069.34	5,095.33	753.12	137.69
4th -	496.36	1,482.77	-0-	128.97	149.49
5th -	1,761.19	2,321.42	344.64	1,513.83	1,567.55
6th -	1,249.31	1,876.73	2,086.67	2,895.47	3,631.70
7th -	1,379.82	6,982.56	2,899.81	3,138.16	2,643.09
8th -	1,766.89	2,139.77	7,307.76	4,112.50	495.04
TOTALS:	$18,242.67	$22,068.84	$18,824.18	$14,395.67	$10,828.46

These costs include the total of evaluation/counseling, medical, prescriptions, dental, and optometry expenditures.